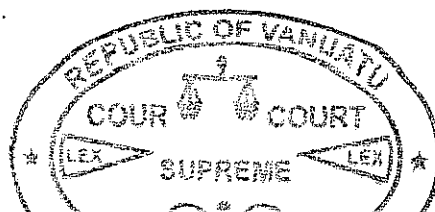


PUBLIC PROSECUTOR
v
ROBERT TITUS KUME IAWIA

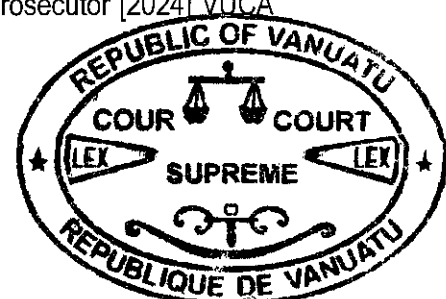
Date of Plea: 20th August 2024
Coram: Hon.Chief Justice, Vincent Lunabek
Counsel: S Blessing for the State
K B Karu for the Defendant
Date of Sentence: 24th September 2024

SENTENCE

1. Mr Robert Titus Kume lawia (" Mr lawia"), you appear for sentence having being pleaded guilty to and convicted of one count of unlawful possession of cannabis substances, contrary to sections 2 (62) and 17 of the Dangerous Drugs Act [Cap 12].
2. A formal complaint was made against you by a police officer for the offence of unlawful possession of cannabis substances which is prohibited by the law of the Republic of Vanuatu.
3. Mr lawia, you are 33 years old and you are from Tanna Island.
4. On the 3rd of May 2024 around 10:30am, the Police Drugs unit Team with the help of other Police Officers conduct a Mobile Patrol to execute a Search Warrant for you, Mr lawia, where upon receiving information that you were selling Cannabis substances at your house at Holen Area, Efate Island. The Search Warrant was prepared by the Drugs Unit and Magistrate Court had given the power to execute the Search Warrant. One of the officers by the name Simon Viregali served the order on you at your house at Holen Area. When the Police conducted the search they found a big quantity of cannabis substances that you placed inside your house and you filled them inside plastic bags and were wrapped up in aluminum foils. There were about 191 ball of cannabis substances and 2 packages that were ready to be sold.
5. This is not the first time you had involved in this activity and you knew it is against the law however you performed such activities as a normal activity.



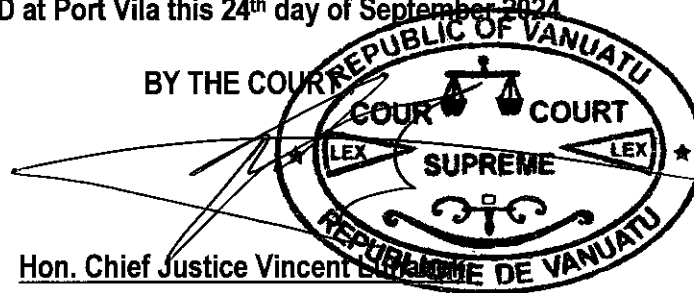
6. The cannabis that you have inside your house has a Net weight of 101.4 grams.
7. On the 3rd of May 2024, Officer Winshaul Garae received the exhibit for Forensic examination from Corporal Michael Natuman from the Drugs Unit. The exhibit contains two small medium clear white plastic bags, one containing 103 small balls of dried plant materials covered with Aluminum foil and the other one contains 88 small bags of dried plant materials and two package of dried plant materials covered with Aluminum foil.
8. You were arrested and cautioned on 4th of May 2024.
9. You stated that you put the cannabis substance inside your house and you were selling it since August 2023. You stated you took the cannabis substance from a native from Epi Island who lived at Anamburu Area near a Kava Bar.
10. You continue to state that you knew the native from Epi when he was smoking the cannabis with a friend where you asked the friend where he got the cannabis from and he told you he got it from the native man from Epi Island. You also stated that you took the cannabis to smoke and sell it and you have been selling it over hundred times. The money earned from the selling of cannabis you used it as your back up money to use it to by yourself kava when you ran short of money.
11. You also stated that you knew it was against the law to sell cannabis and it is the first time the police had arrested you for this offence.
12. You were remanded in custody on 04/05/2024 and released on bail on the 19 June 2024.
13. The offence of unlawful possessions of cannabis substances carries a maximum sentence of a fine not exceeding 100 million vatu or a term of imprisonment not exceeding 20 years or to both such a fine and imprisonment.
14. There is no mitigating factor to the offending, but the following aggravating factors exist:-
 - a) You have a knowledge of the nature of the material substances in your possession that it is against the law; and
 - b) You are reckless in possessing them; and
 - c) You unlawfully possessed 191 balls of cannabis substances and 2 packages that were ready to be sold, and
 - d) The cannabis substances you have in your possession inside your house have a net weight of 101.4 grams.
15. This case lies under category 2 of Wetul guidelines in Wetul v Public Prosecutor [2013] VUCA 26.
16. The sentence start point in 2 years imprisonment (see: Massing v Public Prosecutor [2024] VUCA 40 and other cases.



17. In mitigation, Mr lawia, you are a first-time offender with no previous conviction. You regretted your actions and say sorry for your offending.
18. I give you a reduction of 3 months for your mitigating factors
19. I give you a further reduction of 33% for your early guilty plea.
20. The remaining balance of your sentence is 14 months ie. 1 year and 2 months imprisonment. This is your end sentence.
21. You were remanded in custody on 04 June 2024 and released on bail on 19 June 2024. You have spent a total of 15 days in pre-custodial period. This time shall be deducted from your sentence.
22. Your sentence is finally reduced to 1 year and 1 month and 15 days imprisonment.
23. I consider the nature and circumstances of the offending, I decide and I suspend this term of imprisonment sentence for a period of 2 years. In addition, you are ordered to perform 80 hours of community work.
24. You must not offend during the period of suspension failing which you will be imprisoned for the same term of imprisonment in addition to being dealt with for the new offending.
25. The cannabis substance of 101.4 grams seized and under the custody of the police in this case, must be destroyed.
26. You have 14 days to appeal this sentence if you are unsatisfied with it. The 14 days starts on the date of this sentence.

DATED at Port Vila this 24th day of September 2024

BY THE COURT



Hon. Chief Justice Vincent